

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION MEETING
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Date:	Wednesday, June 2, 2004	Time:	12:30pm-2:00pm	Place:	Matheson Court House Conference Rm. A
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Members Present	Sheriff Phil Barney, Senator Gregory Bell, Judge Jeffrey Burbank, Scott Carver, Blake Chard, Judge Terry Christiansen, K.S. Cornaby, Senator Mike Dmitrich, Marlene Gonzalez, John Hill, Jim Marchel, Judge Paul Maughan, Rep. Ty McCartney, Ed McConkie, Brian Namba, Judge Gregory K. Orme, Kathy Reimherr, Chief Ed Rhoades, Sy Snarr, Judge Robert S. Yeates, Curt Garner (for Mike Sibbett)
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Members Excused	Paul Boyden, Calvin Clegg, Mary S. Corporon, G. Fred Metos, Michael Sibbett, Rep. Mike Thompson, Kirk Torgenson,
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Staff	Cliff Butter, Terry Enright, Chris Mitchell, Julie Christenson, Ron Gordon, Mike Haddon, Jo Lynn Kruse, Chris Mitchell
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Visitors	Gary Dalton, Frazer Nelson
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Agenda Item:	Welcome and Approval of Minutes
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Notes:	Kay Cornaby called the meeting to order and welcomed everyone. James Marchel made the motion to approve the minutes from the April 7, 2004 meeting. John Hill seconded the motion and it passed unanimously . Later in the meeting Rep. Ty McCartney noticed his name was omitted from the April 7 th meeting. The minutes have been corrected.
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Agenda Item:	Misdemeanor Sentencing Guidelines – Ron Gordon
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Notes:	<p>An analysis of the Salt Lake County criminal justice system dealt with jail over-crowding. There were over sixty recommendations. One recommendation was that the justice courts develop local sentencing guidelines. The Sentencing Commission had already had some discussion about misdemeanor sentencing guidelines. Our general adult sentencing guidelines do not address misdemeanor offenses and the sex offender matrix addresses only Class A misdemeanors. Adult Probation and Parole stated that at times they need to make recommendations to the court on misdemeanor offenses and would appreciate some guidance from the Sentencing Commission on those cases, whether jail or intermediate sanctions should be used.</p> <p>Ron introduced Gary Dalton from Salt Lake County Criminal Justice Services. Gary, as staff to the Salt Lake Criminal Justice Advisory Committee (CJAC) will oversee the implementation of the recommendations in the study of the Salt Lake County criminal justice system. Gary Dalton spoke on behalf of Salt Lake County and indicated that the county would be comfortable forming a joint subcommittee, staffed by the Sentencing Commission, to develop misdemeanor guidelines. Judge Orme made the motion for the Sentencing Commission to work with CJAC on developing misdemeanor sentencing guidelines. Judge Maughan seconded the motion, and it passed unanimously.</p>
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Agenda Item:	Drug Offense Guidelines – Chris Mitchell, Cliff Butter, Ron Gordon
Notes:	<p>The commission briefly discussed the drug offense guidelines at the annual planning meeting in April, and made the decision to discuss it at this meeting. A couple of years ago this commission discussed the possibility of having a separate guideline for those who have been convicted of a drug offense. The issue went before the Adult Guidelines Revision Subcommittee, chaired by Chris Mitchell, and that committee studied the issue for over a year and recommended that this is not the right time to adopt drug offense guidelines. The Sentencing Commission expressed its continued desire to see a drug offense guideline and again sent the issue to the Adult Guidelines Revision Subcommittee. Although the subcommittee did not submit a proposal, it did submit a draft of what a drug offense guideline would look like and requested additional input from the Commission during the April meeting. The draft guideline has separate columns for manufacturing, possession, distribution and prescription offenses rather than combining all drug offense into the other category as the current matrix does. The thought is that the courts treat these differently and if that is the case, our guidelines should reflect that. There are also some differences on the criminal history. If we want to treat possession offenders differently than manufacturing for example, there is going to have to be some way to do that on the criminal history assessment.</p> <p>Discussion ensued with final comments pointing toward the fact that the criminal history and the type of drug are looked at more than any other factor. Judge Orme made the motion to continue efforts to develop a separate matrix for drug offenses with the following guidance:</p> <ol style="list-style-type: none"> 1. establish ranges of possession convictions on the criminal history assessment 2. consider the amount of the drug (rather than the value of the drug) 3. consider the type of drug <p>Ed McConkie seconded the motion and it passed unanimously.</p>

The next meeting is scheduled for Wednesday, September 1, 2004 at noon, State Office Bldg. Auditorium
Minutes prepared by Jo Lynn Kruse - Executive Secretary CCJJ